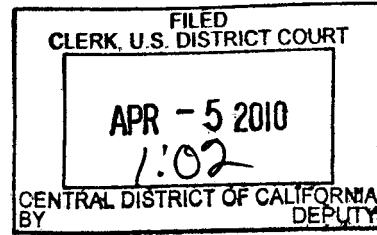


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5 Attorney for Plaintiff  
INHALE, INC.



7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 WESTERN DIVISION

11 INHALE, INC., a California Corporation

12 Plaintiff,

14 vs.

16 CHINA HOOKAH MANUFACTURING CO.  
17 LTD., a company located in China;

18 VICK TOUZJIAN (d.b.a. TMS International),  
19 an individual residing in California;

20 HABIB IMPORTS, INC., a California  
21 Corporation

22 Defendants  
23  
24  
25  
26  
27  
28

Cas

**CV 10-02453 -RCMANX**

**COMPLAINT FOR:**

- 1) **FEDERAL PATENT INFRINGEMENT**
- 2) **UNFAIR COMPETITION (COMMON LAW)**

**DEMAND FOR JURY TRIAL**

**PRELIMINARY STATEMENT**

1. Plaintiff Inhale, Inc. (hereinafter “Inhale”) brings this action against Defendant China Hookah Manufacturing Co. Ltd. (hereinafter “China Hookah”) and Defendant Vick Touzjian (d.b.a. TMS International) (hereinafter “Vick Touzjian”) and Defendant Habib Imports, Inc. (hereinafter “Habib”), under the United States Patent Law and the common laws of the State of California, to enjoin the current and prospective infringement of Inhale’s patent as well as for unfair competition, and for recovery of monetary damages resulting from those actions.

**JURISDICTION AND VENUE**

2. The First claim for relief arises under the United States Patent Law, United States Code Title 35. Jurisdiction over the subject matter of this claim is vested in this Court under 35 U.S.C. §§271 and 289.

3. The Second claim for relief arises under the common laws of the State of California. Jurisdiction over the subject matter of this claim is vested in this Court under 28 U.S.C. §1338(b) in that this claim is joined with a substantial and related claim under the United States Patent Law. Jurisdiction over this claim is also vested in the Court under 28 U.S.C. §1367(a) based upon principles of supplemental jurisdiction.

4. A substantial part of the events giving rise to the claims asserted herein occurred in the Central District of California and have caused, and continue to cause, damage to Plaintiff in this District. Second, Defendants conduct substantial business in this Judicial District. Thirdly, on information and belief, Plaintiff alleges that Defendants have advertised, offered for sale, sold, and unless enjoined by this Court, will continue to advertise, offer for sale, and sell products in this Judicial District utilizing a product design as set forth more fully herein. Accordingly, this Court has personal jurisdiction over the Defendants and venue in this District is proper under 28 U.S.C. §§1391(b) and 1391(c).

**THE PARTIES**

**A. Plaintiff Inhale**

5. Plaintiff Inhale, Inc. is, and at all times mentioned herein was, a corporation organized and existing under the laws of the State of California, having a principal place of business at 1280 N. Johnson Ave., Suite #100, El Cajon, California 92020. Inhale designs, manufactures, and sells various types of smoking devices and smoking related products, including hookahs, vaporizers, tobaccoless cigarettes, cigars, electronic cigarettes, and cigarette lighters under the federally registered trademark INHALE.

**B. The Defendants**

6. Upon information and belief, Defendant China Hookah is, and at all times mentioned herein was, a company organized and existing under the laws of the country of China, having a principal place of business at No. 998, Jiulong Road, Ningbo, China 315000. Defendant China Hookah is a manufacturer of hookahs.

7. Upon information and belief, Defendant Vick Touzjian (d.b.a. TMS International) is, and at all times mentioned herein was, an individual resident of the State of California, having a principal place of business at 19528 Ventura Blvd., Suite 140, Tarzana, CA 91356. Defendant Vick Touzjian is an importer and distributor of products manufactured by Defendant China Hookah.

8. Upon information and belief, Defendant Habib is, and at all times mentioned herein was, a corporation organized and existing under the laws of the State of California, having a principal place of business at 7500 14<sup>th</sup> Ave, Suite 17, Sacramento, CA 95820. Defendant Habib is a distributor of hookahs to wholesalers and retailers.

**FACTUAL BACKGROUND**

**A. Inhale and its Patent**

9. Since 1997, Inhale has been an innovator in the design, development, sale, and marketing of hookahs and other smoking devices throughout the United States, Canada, Europe, and Asia.

10. A hookah is a smoking device or water pipe that is used to smoke herbs, such as tobacco. The general concept of a hookah has been in existence for centuries with original popularity tracing back to Turkey around the years 1623-1640 where they

1 became an important part of coffee shop culture and the preferred way of smoking  
 2 tobacco. Representative samples of various hookah designs currently available in the  
 3 marketplace are shown in Exhibit A.

4 11. The current marketplace is filled with a multitude of hookah designers and  
 5 manufacturers. Inhale has earned a leadership position in the marketplace through years  
 6 of hard work and substantial investment in the branding and innovative design of its  
 7 various hookahs. As a result of its endeavors, Inhale has created and owns valuable  
 8 intellectual property in the form of patents, trademarks, copyrights, and trade secrets.  
 9 Inhale has grown to be known as a leading innovator of hookah designs.

10 12. On September 19, 2008, Inhale filed a U.S. Design Patent application for  
 11 one of its hookah designs. The United States Patent and Trademark Office (USPTO)  
 12 acknowledged the novel, innovative, and unique design of the hookah by awarding Inhale  
 13 U.S. Patent No. D593,708 (the “708 Patent”). A true and correct copy of the patent is  
 14 attached as Exhibit B. The ‘708 Patent serves as prima facie proof that the design of the  
 15 hookah is novel and nonobvious.

16 **B. Defendants’ Business**

17 13. Upon information and belief, Inhale alleges that Defendants operate their  
 18 business in the following manner:

19 14. Upon information and belief, Inhale alleges that Defendant China Hookah is  
 20 located in the country of China and is a manufacturer of hookahs.

21 15. Upon information and belief, Inhale alleges that Defendant China Hookah  
 22 distributes its hookahs throughout five regions: United States and Canada; Australia; East  
 23 Europe; West Europe; and China. Defendant China Hookah has an independent import  
 24 and distribution agent in each of the five regions through whom it distributes its hookahs  
 25 exclusively throughout that region. A purchaser of China Hookah products must make its  
 26 purchases through the corresponding import and distribution agent in its region.

27 16. Upon information and belief, Inhale alleges that the import and distribution  
 28 agents are independent from China Hookah. They are not employees or owners of China

1 Hookah. They maintain and manage their own independent import and distribution  
2 business in their corresponding regions.

3 17. Upon information and belief, Inhale alleges that Defendant Vick Touzjian is  
4 located in Tarzana, California and operates as the exclusive independent import and  
5 distribution agent of Defendant China Hookah products in the United States, the State of  
6 California, and this judicial district.

7 18. Upon information and belief, Inhale alleges that Defendant Habib is located  
8 in Sacramento, California and sells hookahs to wholesalers and retailers throughout the  
9 United States, the State of California, and this judicial district.

10 19. Upon information and belief, Inhale alleges that Defendant Habib orders  
11 China Hookah products through Defendant Vick Touzjian.

12 **C. Defendants' Wrongful Conduct**

13 20. On March 15, 2009, Defendant Vick Touzjian, while in attendance at the  
14 2009 ASD Trade Show in Las Vegas, Nevada, promoted and offered to sell a hookah that  
15 was confusingly similar to Inhale's patented hookah covered under the '708 Patent.  
16 Representative samples of Inhale's Hookah and Defendants' Infringing Hookah are  
17 shown in Exhibit C and referred to as "Inhale's Hookah" and "Infringing Hookah",  
18 respectively.

19 21. On March 31, 2009, attempting to minimize its damages, Inhale, through  
20 counsel, contacted Defendant Vick Touzjian requesting the he cease all promotion and  
21 sale of the Infringing Hookah. Attached hereto as Exhibit D, and incorporated herein by  
22 reference, is a true and correct copy of Inhale's cease and desist letter.

23 22. On July 2, 2009, Defendant Vick Touzjian, through its counsel, responded  
24 to Inhale's correspondence with a letter admitting his promotion of the Infringing Hookah  
25 at the 2009 ASD trade show and expressing his intent not to advertise or sell the  
26 Infringing Hookah in the future. Attached hereto as Exhibit E, and incorporated herein by  
27 reference, is a true and correct copy of Defendant Vick Touzjian's response to Inhale's  
28 correspondence.

1           23. By July 2, 2009, information of Inhale's concerns regarding the Infringing  
2 Hookah reached Defendant China Hookah through Defendant Vick Touzjian. In  
3 response, Defendant China Hookah voluntarily removed information of the Infringing  
4 Hookah from its website.

5           24. Satisfied with the response from Defendant Vick Touzjian and Defendant  
6 China Hookah, Inhale considered the matter closed.

7           25. But then on or around March 3, 2010, much to its surprise, Inhale  
8 discovered that the Infringing Hookah was promoted, offered for sale, and sold during the  
9 2010 ASD trade show in Las Vegas, Nevada.

10          26. Defendant Habib promoted, offered to sell, and sold the Infringing Hookah  
11 out of its booth at the 2010 ASD trade show. Attached hereto as Exhibit F, and  
12 incorporated herein by reference, is a true and correct copy of a photograph taken by  
13 Inhale of the Infringing Hookah being displayed for sale at the booth operated by  
14 Defendant Habib at the 2010 ASD trade show.

15          27. Defendant Habib is currently promoting, offering to sell, and selling the  
16 Infringing Hookah through its printed products catalog. Attached hereto as Exhibit G,  
17 and incorporated herein by reference, is a true and correct copy of the page in Defendant  
18 Habib's 2010 products catalog that shows the Infringing Hookah.

19          28. Defendant Habib is currently promoting, offering to sell, and selling the  
20 Infringing Hookah through its website. Attached hereto as Exhibit H, and incorporated  
21 herein by reference, is a true and correct copy of the section on Defendant Habib's  
22 website that shows the Infringing Hookah.

23          29. Defendant Habib has been a customer of Inhale for over five years. Over  
24 the years, Defendant Habib has purchased several hookahs directly from Inhale, including  
25 Inhale's Hookah claimed in the '708 Patent. Upon purchasing directly from Inhale,  
26 Defendant Habib was notified by Inhale that Inhale's Hookah claimed in the '708 Patent  
27 was protected by Patent Law in the United States, Europe, and China.

28          30. With full knowledge that Inhale's Hookah is protected by the '708 Patent,

1 Defendant Habib willfully chose to promote, offer to sell, and to sell the Infringing  
2 Hookah at a lower price than Inhale's Hookah and to pass off the Infringing Hookah as  
3 Inhale's Hookah.

4 31. On or around March 3, 2010, Inhale contacted Defendant Vick Touzjian  
5 about Defendant Habib's sale of the Infringing Hookah. Defendant Vick Touzjian  
6 explicitly denied any involvement or affiliation with Defendant China Hookah in regards  
7 to this matter or the Infringing Hookah.

8 32. However, since March 3, 2010, Inhale has confirmed that Defendant China  
9 Hookah has resumed promoting, offering to sell, and selling the Infringing Hookah  
10 through its website. Attached hereto as Exhibit I, and incorporated herein by reference,  
11 is a true and correct copy of the section on Defendant China Hookah's website that  
12 promotes and sells the Infringing Hookah.

13 33. Since March 3, 2010, Inhale has also confirmed that Defendant Vick  
14 Touzjian is still the exclusive independent import and distribution agent of Defendant  
15 China Hookah's products in the United States and Canada. Attached hereto as Exhibit J,  
16 and incorporated herein by reference, is a true and correct copy of the section in  
17 Defendant China Hookah's website that identifies Defendant Vick Touzjian as the  
18 exclusive distributor of its products throughout the United States and Canada.

19 34. As further assurance that Defendant Vick Touzjian is still affiliated with  
20 Defendant China Hookah, a representative of Inhale engaged correspondence with  
21 Defendant China Hookah via email asking for information specifically for the Infringing  
22 Hookah. Defendant China Hookah responded with Defendant Vick Touzjian's  
23 information as the primary contact for any orders for the Infringing Hookah. In fact, in  
24 the email correspondence, Defendant China Hookah states, "Please email or call  
25 Vick...he is very good man and will offer you very good price." Attached hereto as  
26 Exhibit K, and incorporated herein by reference, is a true and correct copy of the email  
27 correspondence.

28 **FIRST CLAIM FOR RELIEF**

**Federal Patent Infringement Under 35 U.S.C. §271**

35. Plaintiff repeats and hereby incorporates herein by reference, as though specifically pleaded herein, the allegations of paragraph 1 through 34.

36. Inhale is the exclusive owner of the entire right, title, and interest in and to the '708 Patent, including all rights to enforce that patent and to recover for infringement.

37. Defendants have been and are presently infringing the '708 Patent within this judicial district and elsewhere by importing, manufacturing, promoting, offering to sell, and selling a hookah incorporating the design of the '708 Patent, which is substantially identical to Inhale's Hookah, which has been made in accordance with the teachings of the '708 Patent. Representative samples of Inhale's Hookah and Defendants' Infringing Hookah are shown in Exhibit C.

38. Defendants' Infringing Hookah so resembles Inhale's Hookah claimed in the '708 Patent that an ordinary observer, giving such attention as a purchaser usually gives, would regard the two designs as substantially the same and induce him or her to purchase one supposing to be the other.

39. Defendants' Infringing Hookah appropriates the points of novelty of Inhale's Hookah claimed in the '708 Patent. Defendants' Infringing Hookah was not manufactured nor authorized by Inhale.

40. Defendants will continue to infringe the '708 Patent and irreparably harm Inhale unless the infringing activities are enjoined by this court.

41. The actions complained of infringe the '708 Patent in violation of 35 U.S.C. § §271 and 289.

42. Inhale has no adequate remedy at law.

43. As a result of Defendants' unauthorized and willful infringement of Inhale's patent rights, Inhale is entitled to Defendants' profits, reasonable attorney's fees, and costs of action.

44. Defendants' acts of patent infringement have been done with oppression, fraud, and malice thereby entitling Inhale to an award of punitive damages.



**SECOND CLAIM FOR RELIEF**

**Unfair Competition Under Common Law**

45. Plaintiff repeats and hereby incorporates herein by reference, as though specifically pleaded herein, the allegations of paragraphs 1 through 44.

46. Defendants are willfully, fraudulently, oppressively, maliciously, and unlawfully attempting to pass off, and are passing off the Infringing Hookah as one that is approved and/or authorized by Inhale.

47. Defendants' use of the Infringing Hookah continues to confuse and deceive consumers as to the source of origin of the hookah for which Inhale has invested substantial time, effort, and money in developing and further damages to Inhale's goodwill and reputation.

48. Defendants have been palming off its goods as that of Inhale.

49. The damage suffered by Inhale is irreparable and will continue unless Defendants are restrained by this Court from the commission of these acts.

50. Defendants' willful, deliberate, and malicious conduct constitutes unfair competition with Inhale.

51. Such despicable conduct is the reason for Defendants' ability to market and sell the Infringing Hookah.

52. Defendants are being unjustly enriched through such flagrantly unlawful conduct and should be punished therefore.

53. Inhale has no adequate remedy at law in that the continuing nature of the unfair competition will result in irreparable damage to Inhale should the Defendant not be enjoined from its acts of unfair competition.

54. A complete recitation of the damages suffered by Inhale as a result of this unfair competition must await discovery of Defendants' books and records.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Inhale prays that this Court grant relief as follows:

1 A. For a judgment that Defendants have infringed Inhale's '708 Patent;

2 B. For a judgment that Defendants' use and sale of the infringing hookah  
3 constitute False Designation of Origin, which is likely to cause confusion, mistake, or  
4 deception as to the affiliation, connection, or association with Inhale and as to the origin,  
5 sponsorship, or approval of Defendants' goods by Inhale in violation of 15 U.S.C.  
6 §1125(a);

7 C. For a judgment that Defendants' acts of False Designation of Origin have  
8 been willful;

9 D. For a judgment that Defendants' acts complained of herein constitute Unfair  
10 Competition under the common law of California;

11 E. For a judgment that Defendants' acts of Unfair Competition under common  
12 law have been willful;

13 F. For the grant of permanent injunctive relief enjoining Defendants and all  
14 those in privity, concert, or participation with it from:

- 15 i. Infringing or inducing infringement of the '708 Patent;  
16 ii. Unfairly competing with Inhale in any manner whatsoever; and  
17 iii. Engaging in any acts or activities directly or indirectly calculated to  
18 trade upon Inhale's reputation or goodwill, or in any way to compete  
19 unfairly with Inhale;

20 G. For a judgment directing that any goods, labels, emblems, or marketing  
21 materials, in the possession or under the Defendants' control which infringe the '708  
22 Patent but not emanating from Inhale, be delivered up and destroyed within ten (10) days  
23 of entry of judgment;

24 H. For a judgment against Defendants awarding Inhale damages and lost  
25 profits, including:

- 26 i. All damages sustained by Inhale as a result of Defendants' unlawful  
27 infringement of the '708 Patent, together with appropriate interest on  
28 such damages and that such damages be trebled, pursuant to 35

U.S.C. §§284 and 289; and

ii. All damages sustained by Inhale on account of unfair competition, lost business opportunities, and any other damage suffered by Inhale as a result of Defendants' acts described in this complaint, and that such damages be trebled;


I. For an order that Defendants pay to Plaintiff general damages in an amount to be proven;

J. For finding that Defendants' conduct was oppressive, malicious, and fraudulent and an award of punitive damages;

K. For an award of Inhale's costs and reasonable attorney's fees pursuant to 15 U.S.C. §1117;

L. For an award of any other relief as the Court deems just and proper.

DATED: April 5, 2010

By:  \_\_\_\_\_


Louis F. Teran

Attorney for Inhale, Inc.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

DATED: April 5, 2010

By:  \_\_\_\_\_

Louis F. Teran

Attorney for Inhale, Inc.

# **EXHIBIT A**











# **EXHIBIT B**

US00D593708S

(12) **United States Design Patent**  
**Chaoui**

(10) **Patent No.:** **US D593,708 S**

(45) **Date of Patent:** **\*\* Jun. 2, 2009**

(54) **HOOKAH**

D548,398 S \* 8/2007 Chaoui ..... D27/162

(76) Inventor: **Rani A. Chaoui**, 1280 N. Johnson Ave.,  
Suite #100, El Cajon, CA (US) 92020

\* cited by examiner

*Primary Examiner*—Jennifer Rivard

(74) *Attorney, Agent, or Firm*—Louis F. Teran

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/310,936**

(57) **CLAIM**

I claim the ornamental design for the hookah, as shown and described.

(51) **LOC (9) Cl.** ..... **27-02**

(52) **U.S. Cl.** ..... **D27/162**

(58) **Field of Classification Search** ..... D27/162;  
131/173

See application file for complete search history.

#### DESCRIPTION

FIG. 1 is a front view of the hookah.

FIG. 2 is a right side view thereof.

FIG. 3 is a left side view thereof; and,

FIG. 4 is a back side view thereof.

The hookah is disclosed separately for convenience of illustration.

#### (56) References Cited

##### U.S. PATENT DOCUMENTS

D256,508 S \* 8/1980 Graham ..... D27/162

D372,335 S \* 7/1996 Clark ..... D27/162

D547,902 S \* 7/2007 Kassir ..... D27/162

**1 Claim, 4 Drawing Sheets**



**U.S. Patent**

**Jun. 2, 2009**

**Sheet 1 of 4**

**US D593,708 S**



**FIG. 1**

**U.S. Patent**

**Jun. 2, 2009**

**Sheet 2 of 4**

**US D593,708 S**



**FIG. 2**

**U.S. Patent**

**Jun. 2, 2009**

**Sheet 3 of 4**

**US D593,708 S**



**FIG. 3**



**U.S. Patent**

**Jun. 2, 2009**

**Sheet 4 of 4**

**US D593,708 S**



**FIG. 4**

# **EXHIBIT C**



**INHALE'S HOOKAH**



**INFRINGING HOOKAH**



# **EXHIBIT D**



**STRATEGIC LEGAL COUNSELING**  
PATENT, TRADEMARK & SMALL BUSINESS ATTORNEYS

1055 East Colorado Blvd, Suite #500 Telephone: (800) 752-8470  
Pasadena, CA 91106 Facsimile: (866) 665-8877  
[www.strategiclegalcounseling.com](http://www.strategiclegalcounseling.com)

March 31, 2009

T.M.S. International  
Attn: Vick Touzjian  
19528 Ventura Blvd. Suite #140  
Tarzana, CA 91356

**RE: CEASE AND DESIST ALL INFRINGEMENT ON INHALE'S INTELLECTUAL  
PROPERTY RIGHTS**

Dear Mr. Touzjian:

I represent Inhale, Inc. (hereinafter "Inhale") in intellectual property matters. Inhale designs, manufactures, and sells the original and ornamental hookahs that are at issue in this matter.

It has been brought to my attention that you have been marketing, promoting, selling, and offering to sell at least two hookah designs that infringe on Inhale's intellectual property rights. I spoke to you via the telephone on the morning of March 15, 2009 at the request of my client after he noticed that you were displaying one of the infringing hookahs in your booth at the ASD trade show in Las Vegas. During our phone conversation you claimed the hookah to be a sample only and that you did not recall the source from which you acquired it.

Our investigation has revealed that you intentionally misrepresented the facts on this matter. We have discovered that TMS International, the company you represent, is the exclusive US distributor for China Hookah Limited Company (hereinafter "China Hookah").

**Copyright, Patent, and Trademark Rights of Inhale**

Inhale's hookahs are original designs. Inhale's hookahs are therefore protected by United States Copyright Law. Furthermore, Inhale has applied for Patents in the United States, China, and Europe for each of its designs. Finally, Inhale has applied for United States Trademark for several of its hookah brands. Exhibit A, attached for your reference, shows a copy of two hookah designs that belong to Inhale and that are at issue in this matter.

**The Infringing Hookah Offered for Sale by You**

Our investigation has revealed that China Hookah has manufactured, advertised, offered for sale, and/or sold hookahs that incorporate features protected by Inhale's intellectual property rights. These hookahs are displayed on the China Hookah website. As shown on Exhibit B, you and TMS International, the company you represent, are expressly identified on the China Hookah website as the United States distributor for China Hookah products. Therefore, we must conclude that you have advertised, offered for sale, and/or sold hookahs that incorporate features protected by Inhale's intellectual property rights. Exhibit C shows pictures of your infringing hookahs and is attached for your reference.



**STRATEGIC LEGAL COUNSELING**  
PATENT, TRADEMARK & SMALL BUSINESS ATTORNEYS

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**Infringement of Inhale's Intellectual Property Rights**

Your infringing hookahs embody features and/or combination of features covered by Inhale's intellectual property. Your advertising, offering for sale, selling, importing, exporting, or otherwise dealing in or with the infringing hookah online and/or otherwise have infringed Inhale's intellectual property rights.

Further, your infringing hookah will mislead or confuse consumers or have misled or confused consumers into believing that your infringing hookah is that of Inhale or is associated with or endorsed by Inhale. This constitutes a violation of Unfair Competition laws in California and the United States.

**Inhale's Demands**

Inhale takes its copyright, patent, and trademark rights very seriously and does NOT tolerate any infringement. Therefore, we must insist that you immediately cease marketing, importing, selling, and distributing any of the infringing hookahs. All photos and references to the hookah on your website and/or any marketing collateral must be removed immediately.

Continuation of use of the infringing hookahs without explicit permission from Inhale will be deemed a willful violation of Inhale's intellectual property rights.

Based on the seriousness of this matter, I must respectfully request that you respond to this letter no later than **May 4, 2009**, with acknowledgement, confirmation, and proof that you have ceased infringing on Inhale's intellectual property rights.

Inhale is hopeful that this matter can be resolved expeditiously and amicably. Failure to respond to this letter by May 4, 2009, may force Inhale to file a lawsuit against you. **I strongly advise that you make your attorney aware of this matter as soon as possible.** Nothing in this letter should be construed to limit Inhale's rights or remedies.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Teran', is written over a horizontal line.

Louis F. Teran  
Attorney at Law.  
Tel. 818-484-3217 x200  
[lteran@strategiclegalcounseling.com](mailto:lteran@strategiclegalcounseling.com)

# **EXHIBIT E**

**SPECIALE & BURTON**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

21300 VICTORY BOULEVARD, SUITE 820  
WOODLAND HILLS, CALIFORNIA 91367  
(818) 884-8525 FAX (818) 884-0806

JOHN D. SPECIALE  
e-mail: jspeciale@speciale-burton.com  
STEVEN E. BURTON  
e-mail: sburton@speciale-burton.com

July 2, 2009

**VIA U.S. MAIL AND FACSIMILE**

Louis F. Teran, Esq.  
Strategic Legal Counseling  
1055 E. Colorado Blvd., Ste. 500  
Pasadena, CA 91106

Re: Your client: Inhale, Inc.  
Our client: TMS International

Dear Mr. Teran:

This is in reply to your letters of March 31, 2009 and June 24, 2009.

First, I apologize for any delay in getting back to you. After returning from a two week vacation in late April, I was swamped with work and facing two cases going to trial in early June. Therefore any lack of response was not related to TMS ignoring your March 31, 2009 letter and any suggestion that there has been a willful infringement (or any infringement for that matter) is completely without merit.

As you know, Mr. Touzjian was at a tradeshow in Las Vegas in March 2009 and had with him a sample of a hookah that resembled the "Reaper" hookah that your client claims infringed his intellectual property rights. Mr. Touzjian immediately removed the sample from his booth. The item was never sold.

The website that you refer to in your email is owned and controlled by China Hookah. TMS has nothing to do with the content on that site, either now or in the past. However, TMS has been informed that the hookahs that you refer to in your March 31, 2009 letter, resembling the "Magic" and "Reaper" hookahs were removed from that site in early April 2009, which you can verify on your own. Additionally, neither of the hookahs that you refer to have ever been on TMS's own website. TMS has never purchased and never sold any of the allegedly offending hookahs, nor does it ever intend to advertise or sell them in the future.

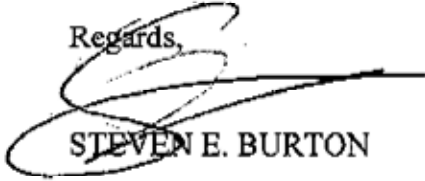
Finally, it has come to my client's attention that your client is informing or insinuating to others that my client is engaged in patent infringement and is suing or intends to sue my client. As noted above, my client has not engaged in any acts constituting patent

Louis F. Teran, Esq.  
July 2, 2009  
Page 2 of 2

infringement or any acts that can be construed as infringing on any of your client's intellectual property rights. Accordingly, if these reports are true, your client is engaging in conduct amounting to defamation and my client will take all necessary steps to protect its legal rights against these slanderous remarks.

I trust this responds to all of your client's concerns that you have articulated in your correspondence. If you have any further questions, please address them to me directly.

Regards,



STEVEN E. BURTON

SEB:sb

cc: client

S:\Burton\Toujian, Vick\Teran\_ltr\_7-2-09.doc

# **EXHIBIT F**









# **EXHIBIT G**

Small Shisha



**NN 1001**

H:13inch

*Package: paper box packing*



**MA 8168-B**

H:11.02inch

*Package: bird cage packing*



**B 070**

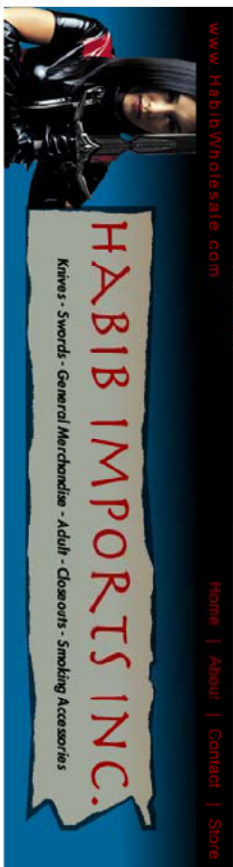
# **EXHIBIT H**

hookah - 13 inch hookah

http://www.wholesalecentral.com/habib/store.cfm?event=itemdetail&itemid=993424&returnto=h...

Directory	
Home	
New Products	
Adults: Movies, DVD, Magazines	
Airsoft Guns	
Closeout	
Clothing	
General Merchandise	
Habib Hookahs	
Knife Categories	
Lighters**OK TO SHIP**	
Lighters**WE DO NOT SHIP**	
Money Clips	
Salvia	
Scales	
Scissors	
Self Defense	
Shaper	
Smoking Acc. (Ages 18+ only)	
Sporting Goods	
Swords	
Toys	
Wallet	
Whip Its	
View Cart	
Check Out	
About Us	

\*\*\*THE BILLING AND SHIPPING ADDRESS MUST BE THE SAME. WE WILL NOT SHIP TO A DIFFERENT SHIPPING ADDRESS. THE ADDRESS MUST MATCH THE ADDRESS ASSOCIATE WITH YOUR CREDIT CARD.\*\*\*  
\*\*\*PLEASE ENTER YOUR CREDIT CARD CVV CODE IN THE COMMENTS/QUESTIONS FIELD\*\*\*



Search Our Store

☐ Item # ☒ Description

Go

Minimum Order: \$150.00

NN 1001. Hookah

13 inch hookah

Price:

\$ 39.95

Unit:

each

Color:

Gray

Quantity:

Add To Cart

Keep Shopping



\*\*\*\*\*PRICES ARE SUBJECT TO CHANGE\*\*\*\*\*  
\*\*\*THE BILLING AND SHIPPING ADDRESS MUST BE THE SAME. WE WILL NOT SHIP TO A DIFFERENT SHIPPING ADDRESS. THE ADDRESS MUST MATCH THE ADDRESS ASSOCIATE WITH YOUR CREDIT CARD.\*\*\*



# **EXHIBIT I**

China Hookah Manufacturing Co., Ltd.

Home About Us Products News Inquiry Now Work Office Contact Us Blog

Search products for your requirement

In All Categories Search

Product Catalogue

Hot buy (60)

New Hookah (144)

Hookah PT Art (9)

Hookah YA Art (15)

Hookah CG Art (59)

Hookah JT Art (44)

Hookah MA Art (137)

Hookah ML Art (123)

Hookah MB Art (45)

Hookah MF Art (98)

Hookah MK Art (73)

Hookah MM Art (68)

Hookah MN Art (32)

Hookah MS Art (39)

Hookah MT Art (47)

Hookah MY Art (22)

Hookah NC Art (20)

Hookah NE Art (16)

Hookah NN Art (17)

Hookah NS Art (20)

Hookah NT Art (14)

Hookah SA Art (3)

Hookah SJ Art (108)

Hookah SE Art (75)

Hookah Accessories (460)

Hookah Hoses (57)

Hookah Vase (263)

Shisha Tobacco (34)

Hookah Charcoal (8)

Hookah Ceramic Bowl (26)

Hookah Aluminum Case (19)

Hookah Silica gel (5)

Hookah Lighter (3)

Other Hookah Accessories (176)

Hot Keywords

Hookah

Shisha

Hookahs

Narghile

Hookah Shisha

Shisha Tobacco


Hookah Accessories

Smoking Pipes

View more

Hookah NN.Art NN1001

Products History 45



Product Name: Hookah NN.Art NN1001

Model No: NN1001


Contact Now Add to Basket

Detailed Product Description: Hookah NN.Art NN1001


Model: NN1001


Color & Category: Polished HIGH 30CM (PCH30CM)


Product Images: Hookah NN.Art NN1001





Other products


 Hookah NN Art S.8043


 Hookah NN Art S.8044 B.5


 Hookah NN Art NW203-B


 Hookah NN Art HN1001


 Hookah NN Art NN1002

 Hookah NN Art NC5801

 Hookah NN Art NC1483

 Hookah NN Art MA0232

 Hookah NN Art MA0143

 Hookah NN Art JT0880


Relative Products


Home > Products Show > Hookah NN Art > Hookah NN.Art MF054


Home > Products Show > Hookah NN Art > Hookah NN.Art Hookah N358


Home > Products Show > Hookah NN Art > Hookah NN.Art CG0881


New Product

 Hookah NN Art NW203-B

 New Hookah NN1001

 Hookah MA Art MA0167-B

 Hookah YA Art YA2101

 Hookah MA Art MA0117

Related Searches

8099

cheap hookahs china

shish art

Blog

Hookah

Phuchka, chilla and hookah: Culinary highlights of the

phuchka is a Hookah?

Relative Keywords


China Hookah, hookah, hookahs, Shisha, narghile, smoking water pipe, smoking pipe, hookah, buy hookah, hookah sale, wholesale hookah, hookah wholesaler, cheap hookah, best hookah, hookah supplies



# **EXHIBIT J**

China Hookah | hookah | hookahs | Shisha | narghile | nargile

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Search products for your requirement:  In All Categories

**Product Catalogue**

☐ Hot Samples (45)

☐ New Hookah (144)

☐ Hookah PT.Art (9)

☐ Hookah YA.Art (35)

☐ Hookah CG.Art (59)

☐ Hookah JT.Art (44)

☐ Hookah MA.Art (137)

☐ Hookah ML.Art (123)

☐ Hookah MB.Art (45)

☐ Hookah MF.Art (98)

☐ Hookah MH.Art (73)

☐ Hookah MM.Art (46)

☐ Hookah MN.Art (32)

☐ Hookah MS.Art (99)

☐ Hookah MX.Art (47)

☐ Hookah MY.Art (22)

☐ Hookah NG.Art (20)

☐ Hookah NL.Art (15)

☐ Hookah NN.Art (17)

☐ Hookah NS.Art (20)

☐ Hookah NT.Art (34)

☐ Hookah SA.Art (3)

☐ Hookah SJ.Art (99)

☐ Hookah SS.Art (22)

☐ Hookah Accessories (460)

Hookah Hoses (57)

Hookah Vase (263)

Shisha Tobaccos (34)

Hookah Charcoal (9)

Hookah Ceramic Bowl (26)

Hookah Aluminum Case (15)

Hookah Silica gel (5)

Hookah Lighter (3)

Other Hookah Accessories (18)

**Hot Keywords**

☐ Hookah

☐ Shisha

☐ Hookahs

☐ Narghile

☐ Hookah Shisha

☐ Shisha Tobaccos

☐ Hookah Accessories

☐ Smoking Pipes

Home > World Office

**USA&Canada Office**

Vicki Touglan  
19528 Ventura Blvd. #140  
Tarzana, CA 91356  
Tel: +818-252-6676  
Fax: +818-252-6677  
Cell: +818-726-6911  
vickime@gmail.com

**Australia Office**

Road Runner Co. Pty Ltd  
5/11 Cooper Street, Campbellfield Vic, 3082  
Australia  
Ph: 03 - 9303 9449  
Fax: 03 - 9303 9443  
Direct contact: Sam 0411 565 575  
E-mail:roadrunner@ppg.com.au  
Website: www.roadrunnerco.com.au

**West European Office**

Rajdp singh  
NEW WAYS BV  
OYRUSCOOPVEG 2N  
1042 AB AMSTERDAM,HOLLAND  
Tel:+31 20-4161841  
Fax:+31 20-4161844  
Email:singh.rajdp@gmail.com

**East European Office**

**Yiwu of China Office**

Helen  
Cell:+86-13667409597  
Tel:+86-574-85164900

**Contact Us**

We are online!

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Українська

Jeddy

Dansk

Nederlands

Suomi

Magyar

Čeština

Polski

Română

Slovenčina

Hrvatski

Slovensky

Home | Product Show Room | Download | News | Company Profile | Contact us | Sitemap | Blog | Link

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Hot Products: A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z | 0-9

Hip flask, Cosmetic Packaging, Artificial Flower, Artificial Plant, Hookah, Hookah, Electronic Cigarettes, Wine Cooler, Beer Cooler, Portable Cooler

Netcec Group: bossgoo | gosgoo | gosbuild | gosfurniture | goslighting | gosmould | gosmachinery | gosdoors | gosbearing

Internet Marketing By Netcec.com

# **EXHIBIT K**

**Re: hookah offer**

---

**From:** Kelly-sales <sales@complant.net>  
**To:** LT  
**Cc:** chinahookahusa@gmail.com, Vick Touzjian <vicktms@gmail.com>  
**Subject:** Re: hookah offer  
**Date:** Mar 9, 2010 11:45 PM

---

Dear Leon,  
Thanks so much for your email.  
Please email: chinahookahusa@gmail.com or call Vick,

Cell: 818-726-6911

Tel: 818-894-1414

Fax: 818-894-1454

He is very good man and will offer you very good price.

Thanks and best regards  
Kelly

----- Original Message -----

**From:** LT  
**To:** LT ; Kelly-sales ; vicktms@gmail.com  
**Sent:** Wednesday, March 10, 2010 2:20 PM  
**Subject:** Re: hookah offer

Kelly,  
Looks like the people you referred me to don't want to response.  
I am really interested in your NN1001 hookah. Can you send me info on price and where to buy?

-----Original Message-----

**From:** LT  
**Sent:** Mar 6, 2010 1:02 AM  
**To:** LT , Kelly-sales , vicktms@gmail.com  
**Subject:** Re: hookah offer

I was referred to you by Kelly below.  
I am looking for info on that new cool hookah with the grim reaper. I guess the part number from your website is NN1001.  
I just opened a smoke store in Key West, Florida. I want my shop to only carry cool hookahs like this, I am not into the other scientific looking hookahs.  
I you can please send me pricing info on this hookah and any other hookah similar to this.  
Kelly said you have a store in the US. Where is it? Can I stop by to check it out?

thanks  
Leon

-----Original Message-----

**From:** Kelly-sales  
**Sent:** Mar 3, 2010 6:37 PM  
**To:** lt26@peoplepc.com  
**Cc:** chinahookahusa@gmail.com  
**Subject:** hookah offer

Dear my friend,

Thanks so much for your email.

We have office in USA . His information is as follows:

Cell:818-726-6911

Tel:818-894-1414

Fax:818-894-1454

Email: [chinahookahusa@gmail.com](mailto:chinahookahusa@gmail.com)

[vicktms@gmail.com](mailto:vicktms@gmail.com)

Regards

Kelly

Tel:0086-574-27896233

Fax:0086-574-27896220

----- Original Message -----

From: [lt26@peoplepc.com](mailto:lt26@peoplepc.com)

To: [supply@complant.net](mailto:supply@complant.net)

Sent: Thursday, March 04, 2010 8:31 AM

Subject: Buyer inquiry Notice (Net Volution Supply)!



Dear Jacky Zhang - China Hookah Manufactory Co., Ltd.

Paradise Smoke has New Business Opportunity for you. Who is interesting your products from

<http://www.chinahookah.com>.

#### Company Information:

Date: 2010-03-03 17:31:38

Subject: Hookah NN.Art NN1001

[http://www.chinahookah.com/showing\\_3086/Hookah-NN-Art-NN1001.html](http://www.chinahookah.com/showing_3086/Hookah-NN-Art-NN1001.html)

#### Message:

This a very cool design. Can you send me pricing info?

Do you have any more designs like this or similar to this?

I am a new distributor in Key West, Florida. I want my products to stand out of the ordinary. This design stands out. I need more of these kinds of designs.

#### Attachments:

Source: <http://www.chinahookah.com/Hookah-NN-Art-NN1001-1843.html>

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Manuel Real and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

**CV10 - 2453 R (MANx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name &amp; Address:

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

INHALE, INC., a California Corporation

CASE NUMBER

PLAINTIFF(S)

**CV 10-02453-R(MAN)**

v.

CHINA HOOKAH MANUFACTURING CO. LTD., a company  
located in China;  
VICK TOUZJIAN (d.b.a. TMS International), an  
individual residing in California;  
HABIB IMPORTS, INC., a California Corporation  
DEFENDANT(S).

**SUMMONS**TO: DEFENDANT(S): NAMED ABOVE

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Louis F. Teran, whose address is Strategic Legal Counseling, 1055 East Colorado Blvd., Suite #500, Pasadena, CA 91106. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: **F5 APR 2010**

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
INHALE, INC., a California Corporation

**DEFENDANTS**

CHINA HOOKAH MANUFACTURING CO. LTD., a company located in China  
VICK TOUZZIAN (d.b.a. TMS International), an individual residing in California  
HABIB IMPORTS, INC., a California Corporation

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Louis F. Teran (SB #249494)  
Strategic Legal Counseling  
1055 East Colorado Blvd., Suite #500, Pasadena, CA 91106

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No

**MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Trademark Infringement & Cyber Piracy under U.S.C. 1114(1), 1125(a),(d); and trademark infringement under CA law

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number:

CV 10-02453

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	INHALE, INC. - San Diego County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
VICK TOUZJIAN - Los Angeles County	CHINA HOOKAH MANUFACTURING CO. LTD. - China HABIB IMPORTS, INC. - Sacramento, CA

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County, California	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 4/5/2010

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))